IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.27581 of 2007
and
M.P.No.1 of 2007

T.Rasu .. Petitioner

vs.

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Nagapattinam .. Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to forthwith release the vehicle of the petitioner Tata 407 Mini Lorry with Registration No.TN 55 D 6699 forthwith.

For petitioner : Mr.R.Suresh Kumar

For respondent : Mr.A.Arumugam
Additional Government Pleader

O R D E R

Mr.A.Arumugam, learned Additional Government Pleader takes notice for the respondent.

2. Heard Mr.R.Suresh Kumar, the learned counsel appearing for the Petitioner and Mr.A.Arumugam, the learned Additional Government Pleader appearing for the respondent.

3. It is stated by the petitioner that he is the owner of Tata 407 Mini Lorry with Registration No. TN 55 D 6699, which was being used for commercial purpose. While so, on 21.8.2004, the said vehicle had been seized by the respondent for allegedly carrying illicit arrack. It is further stated by the petitioner that one Mohan, who had allegedly transported the illicit arrack, had been charged with under the penal provisions of Tamil Nadu

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Prohibition Act in Crime No.781 of 2004, on the file of Vellipalayam Police Station.

4. The petitioner had stated that he is not connected with the alleged charge in anyway and he has not been implicated in the criminal case. It has been further stated by the petitioner that the vehicle had been seized and confiscated and the said vehicle had been valued at Rs.45,000/-under the provisions of Section 14 (4) of The Tamil Nadu Prohibition Act. The respondent had intimated the same to the petitioner by his proceedings, dated 24.11.2006, and thereafter, the petitioner had paid the entire amount of Rs.45,000/-, on 30.11.2006. However, the respondent had not released the vehicle, inspite of several requests made by the petitioner. Hence, the petitioner has preferred the present Writ Petition.

5. The learned counsel for the petitioner had submitted that since the entire amount, as assessed by the authority concerned to be the present market price of the vehicle, had been paid by the petitioner, the respondent is to release the seized vehicle in accordance with law. The learned counsel for respondent has not refuted the claims of the petitioner.

6. In such circumstances, the respondent is directed to release the vehicle of the petitioner with Registration No. TN 55 D 6699, within a period of ten days from the date of receipt of a copy of this Order, by imposing the necessary conditions as may be required in accordance with law.

7. Since the criminal case, relating to the vehicle, is said to be pending, it is open to the respondent to impose such other conditions as may be necessary to restrain the petitioner from encumbering or in any manner alienating the vehicle so as to ensure that the said vehicle is produced before the concerned authority, as and when necessary, till the final adjudication process is completed.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Nagapattinam

+ 1 cc to M/s. La Law Advocate SR No. 54386

GGK(CO)
SR/4.10.2007

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